

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Crystal Fackler,

Case No. 3:16-cv-2674

Plaintiff

v.

MEMORANDUM OPINION

Commissioner of Social Security,

Defendant

Before the Court is the November 20, 2017 Report and Recommendation of Magistrate Judge David A. Ruiz. Under the relevant statute:

Within fourteen (14) days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 F.3d 628 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C.A. § 636(b) (1).

The failure to file written objections to the Magistrate Judge's report and recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). In this case, the fourteen day period has elapsed with a response by the Defendant indicating no objection to the Report and Recommendation. (Doc. No. 13).

Following review of the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation (Doc. No. 12) in its entirety as the Order of the Court. The Commissioner's decision is reversed and remanded. The matter is remanded for additional VE

testimony and a new decision that complies with SSR 00-4p, consistent with the Magistrate Judge's recommendation.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge